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ABSTRACT

This report outlines the rights of parents as consumers of educational programs as they are described under Title IX, the law that prohibits sex discrimination in educational programs which receive Federal financial assistance. The report concentrates on what parents can expect from a school district in relation to the school's legal and professional responsibility for providing equal educational opportunities for girls and boys. Areas covered include: (1) a definition of Title IX; (2) requirements of Title IX, such as a program coordinator, grievance procedure, notification of policy, Statement of Assurance, and program self evaluation; (3) students' rights to take any class; (4) students' rights to be treated equally in and outside of class; (5) students' rights to participate in athletics; and (6) suggestions for redress if parents feel that their children's rights under Title IX are being violated. (Author/APM)

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a parent guide to title IX

Office for Sex Equity in Education
Michigan State Board of Education

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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MAR 1 8 1981

FOREWORD

This publication outlines the rights of parents as consumers of educational programs as they are described under Title IX, the law prohibiting sex discrimination in educational programs which receive federal financial assistance. It is the third in a series of publications which support the State Board of Education's expressed goal of eliminating and preventing discrimination based on sex in educational programs and activities.

This booklet has been designed as a companion piece to *A Student Guide to Title IX* which was published last year. It is my hope that you will carefully review this document and initiate efforts to distribute this information to parents, Board of Education members, and interested groups in the community.

Our challenge to involve parents in an educational process which meets the full potential of every student regardless of sex continues.

Sincerely,

Phillip E. Runkel
Superintendent
of Public Instruction

January, 1981

TABLE OF CONTENTS

Who Cares About Parents as Consumers? 1

Information for the Parent as Consumer 2

What is Title IX? 3

The School Climate 3

- Title IX Coordinator
- Grievance Procedure
- Notification of Policy
- Statement of Assurance
- Self Evaluation

A Student's Right to Take Any Class 5

A Student's Right to be Treated Equally in Class 5

A Student's Right to be Treated Equally Outside of Class 6

A Student's Right to Participate in Athletics 7

Are You an Informed Parent? 8

Who Protects the Consumer Rights of Parents? 11

Are There Consumer Guidelines for Parents Under Title IX? 12

Parents are consumers of educational programs. By that we mean that parents pay for "goods" or programs which the school provides to their children. Parents pay for these services with their tax dollars. In light of these difficult economic times, parents will probably be asked to pay more for the same services which the school provided for less money the previous year. Inflation hits a school district just as it affects the automobile industry or the retail market! But this is *not* a booklet about the costs of education. Rather it is a booklet which is designed to make parents aware of their rights and the rights of their children as consumers of educational programs. Regardless of the cost of providing an education to children, parents should be knowledgeable about what they can expect from the school in terms of quality programs and services.

This booklet concentrates specifically on what parents can expect from a school district in relation to the school's legal and professional responsibility to assure equal educational opportunities to girls and boys. It outlines the law which schools must follow so that there is no discrimination on the basis of sex. Just as you would not want to purchase an appliance which toasted only Bavarian rye bread, so as a consumer you would not want to financially support a school system which provided only some programs or classes for one sex, and not for the other.

WHO CARES ABOUT PARENTS AS CONSUMERS?

One of the major barriers preventing parents from being responsible consumers of educational programs is the fact that many parents do not know what rights they have as taxpayers, or what rights their children have as students. Court rulings and educational policy attempt to inform people of these rights. However, court decisions and administrative rules are not always easy to outline so that people (other than lawyers) understand them.

This handbook was prepared to explain student rights under Title IX to parents. It was developed with the belief that a school system which successfully attempts to treat all students equitably — with no discrimination on the basis of sex — is encouraged by parents who act as informed consumers for their children.

INFORMATION FOR THE PARENT AS CONSUMER

The first way to become a knowledgeable parent/consumer is to understand that your children have rights under the law to an education that does not discriminate against them because they are females or males. By no means are such students' rights a new issue! As far back as the late 1800's, parents have been protecting the educational rights of their children. Concerned parents have challenged the schools formally through the courts or through a complaint process. Other parents have voiced their opinions more informally in the school district to the superintendent or the local Board of Education. These parents have had a basic understanding of what rights their children do have and have spoken out when they felt their children's rights were being abused.

The second way to become an effective parent/consumer of educational programs and services is to get more information — in detail — about the various rights which are afforded to students under federal and state laws. The protection of your children's rights begins with learning as a parent what these rights are. There are rights that deal with student discipline, attendance, suspension, pregnancy, access to grades and personal information in files, special education needs, and other areas.

This booklet spells out your children's rights to a nondiscriminatory education as they are guaranteed under Title IX of the Education Amendments of 1972.

WHAT IS TITLE IX?

Title IX is a federal law which prohibits schools from discriminating on the basis of sex. It was passed by Congress in 1972 to ensure that educational programs and activities would be open to all students. Title IX outlines several rights which students have in public school systems which operate using federal monies. Title IX is divided into several sections. Each section deals with a specific school policy, school operation, or a school procedure. In this booklet Title IX is broken down into four major sections.

Title IX was passed through the efforts of educators, legislators, parents and community representatives who wanted to make certain that all aspects of public school programs allowed the full participation of young men and women. Until Title IX was passed, there was no legal protection which respected the right of each young person — male or female — to an equal education.

THE SCHOOL CLIMATE

Title IX requires that the school be receptive to any concerns or complaints a student may have regarding his or her right not to be discriminated against on the basis of sex. In a sense the law encourages a climate in the school which protects this basic right. Title IX requires that the following are a part of the school system:

- **Title IX Coordinator**
  This is a person, named to this position by the school district, who is responsible for seeing Title IX rules are followed.

- **Grievance Procedure**
  This is a method or way of bringing a complaint about Title IX to school officials. The grievance procedure must be written out clearly and every student should be aware of how the grievance procedure works.

- **Notification of Policy**
  All schools which get federal monies are required under Title IX to let students, parents and community people know about their support of this law. Schools must include a Title IX statement in student handbooks or school communications sent out to the public.

- **Statement of Assurance**
  When a school applies for federal monies it must indicate on a form to the federal government that the school is following the Title IX regulations. The form is called a Statement of Assurance.

- **Self Evaluation**
  Under Title IX all schools were to have looked at their past policies, practices and school operations to see if there was any evidence of treating girls and boys differently because of their sex. A report should have been made to school officials and kept on file in the school system.

Under Title IX all schools must have these five items operating somehow in the district. These five requirements are *basic* and establish a climate for carrying out other Title IX regulations which deal in more specific areas of school programs and services.

Outlined below are the other major provisions of the law that you should be aware of as a consumer of school services in your community.

A STUDENT'S RIGHT TO TAKE ANY CLASS

Title IX protects your child's right to take any class offered in the school (as long as your child has met any prerequisite requirements, of course). When you help your daughter or son with selecting classes each term, all of the courses must be open to all students. Nowhere on a course schedule or description of classes should the course be described, for example, as "boys physical education" and "girls physical education." The school can establish any prerequisites it feels necessary to elect courses but the prerequisites must apply equally to the entire student body. All courses should be described in such a way that it is clear they are for both girls and boys.

A STUDENT'S RIGHT TO BE TREATED EQUALLY IN CLASS

When your child is taking a class, it is against the law to treat boys and girls differently in the classroom because of their sex. For example, there cannot be two different grading scales — one for girls and one for boys. Or there cannot be two different homework assignments where the boys are required to do all the odd numbered questions and the girls are assigned all the even numbered questions.

To some parents these rules appear to be almost nonsensical and much too detailed! However, the Title IX regulations were intentionally specific because the rationale for assigning homework on the basis of sex is the same kind of thinking that might, for example, allow only girls to join an after school swimming class at a nearby school pool, or only boys to join the Safety Patrol.

The right to be treated equally in class is fundamental to the protection of your children's rights as students in a public school system. Yet Title IX also

recognizes that as consumers, many parents feel there are instances where boys and girls can be separated. Title IX allows a school system to separate students in classes in five situations. Girls and boys may be separated (1) in parts of a class dealing with human sexuality; (2) by vocal range in music classes; (3) in gym class when there are body contact activities; (4) in gym class when students are grouped by ability using an objective standard, and (5) in athletics programs under certain conditions.

A STUDENT'S RIGHT TO BE TREATED EQUALLY OUTSIDE OF CLASS

Title IX clearly upholds your children's rights to an equal education in areas other than classroom learning. Schools provide a variety of services, referrals and information to students. Schools also establish rules which govern the conduct of students outside classrooms. For this reason there are Title IX regulations that extend outside the classroom.

A child's right to receive advice, counseling services, and information that does not reflect different treatment or preference on the basis of sex is protected by Title IX. Rules for discipline, codes of conduct and dress, testing and appraisal tools used to counsel youngsters, scholarships assistance, services for pregnant or married students, use of school facilities, and opportunities to participate in after school programs, (e.g. clubs, athletic teams, field trips) must not treat students differently on the basis of their sex. For example, it would be against the law if the school suspended a boy who was caught smoking and merely called the parent or guardian of a girl who was smoking on school property.

Whatever services the school provides — whatever program it offers — whatever rules the school establishes — all of them must be applied fairly and equitably to all students. Title IX does *not* force a school system to initiate certain codes of conduct or to make specific rules. These choices are decisions made by school officials at the local level. Title IX does *not* determine the quality of the services offered to students. Nothing under Title IX requires, for example, that vocational programs offered in a nearby school district must also be offered in your school system. Rather Title IX provides that whatever is a part of the school program is open to all students.

In the role of consumer, parents should expect the school program to encourage the development of their children through unrestricted choices of courses, programs and activities inside and outside the classroom. Title IX spells out these expectations as a federal law which guarantees that there is no discrimination against either male or female students.

A STUDENT'S RIGHT TO PARTICIPATE IN ATHLETICS

One of the more confusing parts of the Title IX regulations is the section on athletics, club and intramural programs. It is often confusing because in this

area, the local school district has several choices it can make in offering athletics to students. Title IX does *not* automatically guarantee that both boys and girls can try out for any team. Title IX does *not* automatically require school districts to provide exact, identical programs for females and males. Under Title IX a school district is *not* required to duplicate for girls sports what it has for boys sports and vice versa.

Whatever decisions a school faces in developing its athletics program, Title IX outlines one rule which must underlie this decision-making process. That rules states that the interests and abilities of all students must be taken into consideration in developing and operating the athletics program.

Most schools have chosen to offer some separate teams for females and males, and some co-ed teams. These and other options are permissable under Title IX, as long as the overall athletics program serves the interests and abilities of boys and girls. If the athletics programs are separate, they must, however, be comparable for girls and boys.

The rights of girls to try out for boys teams, or the rights of boys to try out for girls teams are decisions made by local school officials. Title IX requires local officials to answer two questions before making this particular decision:

Q. Have the athletics opportunities for that sex been limited in the past?

Q. Is the sport involved a noncontact sport?

If school officials answer "yes" to both of these questions, then the school district *must* allow a member of that sex to try out for the opposite sex team.

Other details in the Title IX regulations identify areas which must be comparable for separate male and female athletic teams. Comparable areas include number of sports, number of teams, awards, supplies, uniforms, use of facilities, locker room provisions, support services, and other athletics-related services.

If you have any further questions about the athletics section of Title IX, you should contact the Title IX Coordinator in your school district. The Title IX Coordinator can explain more of the details of students' rights under this section of the law.

ARE YOU AN INFORMED PARENT?

The protection of your children's rights to a nondiscriminatory education begins with learning as a parent what these rights are under Title IX. The following four examples are designed to test your knowledge of the basic provisions of Title IX.

Situation A: Suppose your son saw an announcement on the counselor's bulletin board that the owner of a local donut shop wanted to hire extra counter help for the summer. Your son went down to apply and the owner told him, "Sorry. I'm only hiring girls to work this summer."

Q. Is the school violating your son's rights in this case?
A. *Yes.* Under Title IX the school cannot lend "significant assistance" to an

agency, group, or employer who discriminates against its students. By posting this notice, the school is encouraging the employer to hire discriminatorily from its student body. Thus the school is not protecting your son's rights under a service it provides of listing summer jobs for students.

Situation B: Suppose your daughter heard on the PA system about an after school swimming program for fourth graders at the high school pool down the block. When she went to sign up, the principal encouraged her to swim instead at the YWCA, where they have after school swim programs for girls of all ages. The principal said that if she wanted to sign up, she could, but the principal doubted there would be any girls because the after school swim program was mostly for boys who didn't have a YMCA where they could swim.

Q. Is the school violating your daughter's rights under Title IX?

A. *Yes.* Title IX requires that the advice and counseling given to all students not reflect different treatment or a preference for one sex or the other. In this case the principal is giving advice that is less favorable to the girls than to the boys. In effect the principal is advising that she would be making a poor choice if she decided to sign up because she might be the "only" girl participating. In addition, the school's swimming program appears to be "mostly for boys," which is illegal under Title IX.

Situation C: Suppose the male varsity basketball players have chosen a gold medal as the token of membership on the team, which the coach will give to each player at the end of the season. The female varsity basketball players have chosen to have a framed award as a token of team membership which their coach will give to each player at the end of the season.

Q. Is the school in violation of Title IX?

A. *No.* The provisions of Title IX require comparable awards for athletes. The provision of an award was made for each team member by the school. The team players simply elected to receive different but comparable awards which were presented in the same manner by their coaches.

Situation D: Suppose a representative from a local apprentice training program visited the school to talk to students about entering apprenticeship programs following their graduation from high school. The representative visited the vocational classes where there were only boys in the classes.

Q. Is there a violation of Title IX in this case?

A. *Yes.* By allowing the representative to talk only to the vocational classes with all boys, the school was encouraging a discriminatory practice of giving information and providing references to just one sex. Under Title IX, all classes must be open to all students. Even though there were no girls

who elected to take the vocational classes in question, the information on apprenticeship training must be given to both girls and boys in the vocational program, not just to selected vocational classes.

WHO PROTECTS THE CONSUMER RIGHTS OF PARENTS?

Title IX provides protection of student's rights to a nonsexist education by requiring the local school to name a Title IX Coordinator and develop a grievance procedure. This protection is also the avenue for parents as consumers of school services to seek redress if they feel the school district is violating the law under Title IX.

In addition, parents as consumers can directly address Title IX concerns by filing a formal complaint with the Office for Civil Rights in Washington, D.C. This route, however, is usually time-consuming and lengthy. That is why Title IX requires each local school district to establish a mechanism whereby parents and students can seek more immediate solutions to Title IX problem areas.

The Title IX Coordinator in your school system can tell you more about complaint procedures, addresses of governmental agencies and basic Title IX regulations.

ARE THERE CONSUMER GUIDELINES FOR PARENTS UNDER TITLE IX?

Title IX does not include a list of "do's and don'ts" for parents who want to ensure that their children receive every educational opportunity available. However, there are some informal, unwritten guidelines for parents to keep in mind as they watch their children progress through schools in their community.

REMEMBER . . . Most school officials and teachers do not want to take away the rights of students. In most cases schools go to great lengths to secure students' rights and protect them.

REMEMBER . . . School officials have several state and federal laws they must follow. Each law has a unique set of rules and regulations. Violations under Title IX may result from the school district's lack of information about the Title IX regulations, rather than a refusal to obey this law.

REMEMBER . . . If young men and women are to be partners in this society as adults, sharing both the right and responsibility of running the world, it is imperative that they receive the same education together. Title IX was passed to ensure this.

If you would like more information about Title IX, feel free to contact:

Michigan Department of Education
Office for Sex Equity in Education
P.O. Box 30008
Lansing, Michigan 48909
(517) 373-3497

The name of the Title IX Coordinator is _____.

The telephone number of the Title IX Coordinator is _____.

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